Sessl. II-37—45,000—9-11-34

Public (Police)

(1935) Department.

(8)

No SERIES.

G.O. No. 305

DATED 30th May 1935

[Despatch Abstract.]

Allowance - Travelling - Khan Sahib M.S. Chamnad Sahib Bahadur Inspector of Police, Mr. C.S. D'Silva, Sub Inspector of Police - South Kanara District - Attendance at Court as accused - Sanctioned

1

C.F. 30.

POLICE DEPARTMENT.

Received ..... 19 . *Registered* 12326 19

Subject.

Travelling Allowance - Attendance at court as accused - Inspector of Police Khan Sahib M.S. Chamnad Sahib Bahadur and Sub-Inspector G.B. D'Silva of South Kanara District - Sanction requested.

ENCLOSURES.
No. Two
Spare copies one

R.C.No. 216-1 And /35.

Station Madras, *Dated the* 16th April 1935.

From (Name) Sir Charles B. Cunningham, Kt., C.S.I.,
(Designation) Inspector-General of Police.

To The CHIEF Secretary to the Government of Madras,
PUBLIC (POLICE) Department.

Sir, through the Accountant-General, Madras.

I have the honour to request that the Government will be pleased to sanction the grant of travelling allowance to the two marginally* noted police officers of the South Kanara district for their attendance in court as accused in C.C.No.24 of 34 on the file of the Sub-Divisional Magistrate, Mangalore. Inspector Chamnad was at Chamnad on Leave on Average Pay whence he performed the journeys to the court.

*1. Inspector of Police Khan Sahib M.S. Chamnad Sahib Bahadur, South Kanara District.
2. Sub-Inspector G.B. D'Silva of Mangalore Town Station, South Kanara District.

2.

2. One Uggappa Payyade of Bagal preferred a complaint of wrongful confinement under section 342, Indian Penal Code, in respect of their official acts against these two police officers in the court of the Sub-Divisional Magistrate, Mangalore. Both the accused were defended by the Sub-Inspector of Police, Mangalore Town under District Superintendent's orders. The Sub-Divisional Magistrate, Mangalore, who tried the case, discharged both the accused under section 253, Criminal Procedure Code.

3. Sub-Inspector G.B. D'Silva performed the journeys noted below to attend the court:-

28-5-34 - Mangalore - Bagpe - Bus (10 miles).
29-5-34 - Bagpe - 7.30 A.M. - Mangalore - Bus (10 miles) 6-30 P.M.

A sum of Rs.1-11-0 being the daily allowance at Rs.0-13-4 (including cost of bus warrant used) had already been drawn and paid to the Sub-Inspector.

4. Copies of the Inspector's Travelling Allowance Bill and Judgment are herewith enclosed for the Government's reference and favour of return.

I have the honour to be,

Sir,

Your most obedient servant,

for Inspr.-Genl. of Police.

P.M.N/15-4-35.

Accountant General Madras. (TR)
No. Spl Pol. 195 d 30.4.35.

Forwarded

N. Ramaswamy Iyer
Deputy accountant general.

29.4.35.

To The Chief Secretary to
the Government of Madras
Public (Police) Department

Rule (Police) dept.

Allowance - Travelling. Khan Sahib M.S. Chammad Sahib Bahadur, Inspector of Police & Mr D'Silva, Sub-Inspector of Police - South Kanara dist. Attendance in Court as accused

pp 1-2 CF — From the D.I. of Police Reno. 216-1/35 Ind dated 16.4.35

p 2 CF. — Endt of A.G. No. Spl. Pol. 195 & 30.4.35

Please see the D.I's letter at pp 1-2 CF. Under the Note to Para 1 "B. Mufassal" in Part III at p 5 of G.O.No. 3470 Law (Genl) dated 12.9.1931, D.S.P's are empowered to grant travelling allowance to accused Govt Servants in the police dept for journeys to attend Courts; the decision whether the travelling expenses will be borne by the State or recovered from the Officer concerned will be postponed however being until the conclusion of the case for the decision of the Court. In the case in question, the D.I recommends the grant of travelling allowance to the two —

K at 5 (X)

Offices Concerned for their journeys
to attend the Court as accused.
Reference is solicited to para 5 of the Judgment on pp 20-23 of the record wherein
The Sub-divisional magistrate in
his Judgment says that the case
was Mr Chamnad's own make
and that with Some tact and Self-
restraint he could have avoided
all room for the Complaint. It is
for orders whether the
travelling allowance claimed may
however be Sanctioned. A
draft order is Submitted for Consideration
& approval
it may be Sent to Finance for
acceptance.

AN
8/5/35

21
8/5

The Pts were discharged. The
judgment is curious, but from
p. 19 of the case appears fatal.
The T.A. may be sanctioned.

8/5
Pri.

BRD

Pub(Pris) work 12326-1
10-5-35

15661 C&M

P.T.O.

Finance(C.S.R).

Please see the I.G's letter and the copy of the judgment in the C.F.

2. The object in postponing the decision in regard to the payment of travelling allowance to the accused officer till after the conclusion of the case, with reference to para 13 on p.6 of G.C. 3470 Law (Genl) dated 12-9-31 is apparently to see from the findings in the case whether the officers concerned were free from blame and whether there is sufficient justification for Govt. meeting the expenditure. If the intention was to admit T.A. in all cases in which the case is decided in favour of the officers, provision to that effect could have been made in the rules and there would have been no need to prescribe Govt. sanction as ~~NECESSARY~~ necessary in such cases.

In this case, though the benefit of the doubt has been given to the accused and they have been discharged, the Magistrate has stated that 'the case has been of Khan Sahib Mr. Shamnad's own make' and that with some tact and self restraint, he could have avoided all room for the complaint. It therefore seems that even the expenditure if any, incurred on the defence of the case, is an avoidable item of expenditure and it seems doubtful whether there is sufficient justification for Govt. to incur any expenditure by way of T.A. to the accused officers, in the face of the Magistrate's remarks. Submitted for orders whether this Department may suggest that the proposal to meet the T.A from Provincial funds be negatived.

M anp. 20 C.F.

p. 21 C.F.

M.K anp. 2 C.F

pp. 20-23 C.F

I do not agree. T.A may be paid since the accused have been discharged. C.S/21.5.35

3. If, however, it is eventually decided to allow t.a. at Govt. cost, the Inspector's t.a. has to be admitted either from the place where he was

C.S/21.5.35

6 9

spending his leave to the court or from his previous headquarters to the court, whichever is cheaper.

Low
20.5.35

GS/21.5.35

Fin. No. 15661 CRY
21.5.35
Pub (Pol)

Pub (Pol)

13742

Pub (Police) draft

A para has been added to the draft with reference to para 3 of finance note. The draft may issue.

J. 28/5.

Fin
28/5/35

303

9/305

1

C.F. 16.

Public Police Dept.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		30/5
When examined ..		
When signed ..		30/5
When despatched.		30/5

SUBJECT:— Allowance - Travelling - Khan Sahib M.S. Chamnad Sahib Bahadur, Inspector of Police Mr G. B. D'Silva, Sub-Inspector of Police - South Kanara dist. - Attendance at Court as accused. Sanctioned

READ AGAIN ..... , dated ..... 19....

" " ..... " ..... 19....

READ *ALSO*:—

No. ..... From the ....., No. ....., dated ..... 19.....

" ..... " ....., " ....., " ..... 19.....

" ..... " ....., " ....., " ..... 19.....

~~Resolution Rout.~~ Order Ms. No. 303, dated 30/5/ 1935.

The Govt Sanction the payment of travelling allowance to (1) Khan Sahib M.S. Chamnad Sahib Bahadur, Inspector of Police and (2) Mr G. B. D'Silva, Sub-Inspector of Police, South Kanara dist for their journeys in May and June 1934 to attend the Court of the Sub-Divisional Magistrate, Mangalore, in connection with a case (C.C. No 24/34) filed against them - in

Head Court.

AN
8/5/35
ZIC
8/5

[illegible]
8/5.

2. The t.a. that should be allowed to Khan Sahib M.S. Chamnad Sahib Bahadur, Inspector of Police, should be that t.a. from the place where he was spending his leave to the Court or from his previous headquarters to the Court whichever is cheaper.

AN
28/5/35
ZIC
28/5

28/5.

R

The A.G. of Police will refer to his Memo No. 216-1/35 dt. 16.4.35 and (with the bill & judgment returned)

The A.G. Usual ✓ finance

Copy to finance ✓